

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:17-CR-82-TAV-DCP
)	
RANDALL KEITH BEANE,)	
)	
Defendant.)	

FINAL ORDER OF FORFEITURE

On July 18, 2017, an Indictment [Doc. 3] was filed charging the defendant, RANDALL KEITH BEANE, with wire fraud, bank fraud and conspiracy to launder money, in violation of 18 U.S.C. §§ 1343, 1344 and 1956(h) (Counts One through Seven).

In the forfeiture allegations of the Indictment, the United States sought forfeiture of the interest of the defendant in any property derived from or traceable to property derived from proceeds of the wire fraud and bank fraud violations and any property involved in the commission of money laundering offense, as set forth in the Indictment, pursuant to 18 U.S.C.

§§ 982(a)(1) and 982(a)(2). The property to be forfeited includes, but is not limited to the following:

- a. 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome; VIN # 4VZVU1E94HC082752; topaz in color with eight wheels ("motorhome"); and
- b. A money judgment in favor of the United States and against the defendant, RANDALL KEITH BEANE, in the amount of \$553,749.99, which represents the minimum amount of proceeds RANDALL KEITH BEANE personally obtained, directly or indirectly, as a result of the criminal violations of 18 U.S.C. §§ 1343 and 1344.

On February 1, 2018, after trial, a duly empaneled jury returned a guilty verdict against the defendant, RANDALL KEITH BEANE, for violations of 18 U.S.C. §§ 1343, 1344 and 1956(h) [Doc. 119, Special Verdict Form].

On July 24, 2018, pursuant to the guilty verdict, this Court entered a Preliminary Order of Forfeiture [Doc. 224] forfeiting to the United States the interest of defendant in and to the properties identified above pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2).

Defendant, RANDALL KEITH BEANE, was sentenced on July 24, 2018, and this Court entered a Judgment [Doc. 228] against the defendant on July 25, 2018. The Judgment states the defendant shall forfeit his interest in the property as set forth in the Preliminary Order of Forfeiture [Doc. 224] entered July 24, 2018.

Pursuant to the Preliminary Order of Forfeiture [Doc. 224] entered by this Court on July 24, 2018, the money judgment in favor of the United States and against the defendant, RANDALL KEITH BEANE, in the amount of \$553,749.99 became final at sentencing on July 24, 2018.

On July 25, 2018, the defendant filed a Notice of Appeal [Doc. 230] in the United States Court of Appeals for the Sixth Circuit (“USCA”). On July 31, 2018, the USCA docketed the case as number 18-5777 [Doc. 242].

On September 24, 2019, the USCA affirmed the decision of the district court’s judgment [Order of USCA, Doc. 267]. The Mandate was issued on October 17, 2019 [Mandate, Doc. 268].

Pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), the Preliminary Order of Forfeiture, and Notice of Forfeiture, the motorhome described above was published on an official Government internet site (www.forfeiture.gov) for at least 30 consecutive days,

beginning on July 27, 2018 and ending on August 25, 2018. A Declaration of Publication [Doc. 244] was filed with the Clerk of this Court on September 18, 2018.

The Notice of Forfeiture advised that any person, other than the defendant, having or claiming a legal interest in the motorhome described above, was required to file a petition with the Court within sixty (60) days of the first date of publication of this Notice on the official Government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, and 21 U.S.C. § 853(n)(2). The Notice further provided that the petition was to be filed with the Clerk of the Court. It further required that the petition was to be signed by the petitioner under penalty of perjury, and set forth the nature and extent of the petitioner's right, title, or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.

On September 25, 2018 USAA Federal Savings Bank ("USAA FSB"), through its attorney Brian R. Epling, filed a timely Petition of Third Party Interest [Doc. 246] and asserted its interest in the motorhome identified in the Indictment filed on July 18, 2017 [Doc. 3] and the Preliminary Order of Forfeiture [Doc. 224] and requested a hearing to adjudicate its interest. USAA Federal Savings Bank is a victim in this case. No other parties filed judicial petitions asserting an interest in the motorhome.

On January 30, 2019, an agreed Consent Order [Doc. 260] was filed wherein the United States acknowledged that USAA FSB is a victim in the above-referenced case and is entitled to restitution based upon the Judgment entered on July 25, 2018. The United States agreed after entry of a Final Order of Forfeiture to submit a restoration request to the Money Laundering and Asset Recovery Section ("MLARS") on the behalf of USAA FSB, alleviating any need for USAA FSB to file a claim or otherwise take steps to receive payment from the forfeited property. USAA FSB

agreed to withdraw its claim in order to allow the United States to submit a restoration request to MLARS on its behalf.

On May 24, 2019, the United States filed a Motion for Interlocutory Sale of Property [Doc. 262] for the motorhome. On May 28, 2019, the Court entered an Order [Doc. 263] granting the sale of the motorhome, with the net proceeds of the sale of the motorhome to be deposited into an interest-bearing account maintained by the United States Marshals Service pending final judgment in the case. The United States Marshals Service has liquidated the motorhome and the sale proceeds are substituted for the property as set forth below.

It is therefore, **ORDERED, ADJUDGED AND DECREED:**

1. That the following properties are hereby forfeited to the United States pursuant to 18 U.S.C. §§ 982(a)(1) and 982(a)(2), and Rule 32.2(b) of the Federal Rules of Criminal Procedure and all right, title, and interest in the properties are hereby vested in the United States:

Sales Proceeds in the amount of \$310,025.00, plus interest, for the 2017 Entegra Cornerstone 45B; 45 foot diesel motorhome; VIN 4VZVU1E94HC082752; topaz in color with eight wheels.

2. The United States Marshals Service or its designated agency shall dispose of the forfeited property according to law.

3. Upon the entry of this Final Order of Forfeiture, the United States Attorney's Office will submit a Restoration request to MLARS requesting that the proceeds of the sale of the motorhome be restored to the victim, USAA FSB, in this case.

4. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

5. The Clerk of this Court shall provide a certified copy of this Order to the United States Attorney's Office.

ENTER:

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE

Submitted by:

J. DOUGLAS OVERBEY
United States Attorney

By: s/Anne-Marie Svolto
ANNE-MARIE SVOLTO
Assistant United States Attorney